



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

November 30, 2022

By ECF

The Honorable Glenn T. Suddaby
United States District Court
Northern District of New York
James M. Hanley Federal Building and U.S. Courthouse
100 South Clinton Street
Syracuse, NY 13261

Re: Antonyuk, et al. v. Hochul, et al., No. 1:22-CV-986 (N.D.N.Y.) (GTS/CFH)

Dear Judge Suddaby,

This Office represents Defendants Steven A. Nigrelli, in his official capacity as Acting Superintendent of the New York State Police, and Matthew J. Doran, in his official capacity as Judge of the Onondaga County Court and Licensing Official for Onondaga County (collectively, the “State Defendants”), in the above-referenced action. I write without opposition to request that proceedings in the District Court be stayed pending the Second Circuit’s resolution of the appeal of Your Honor’s recent ruling on Plaintiffs’ motion for a preliminary injunction. ECF No. 78; see also ECF Nos. 80, 87 (notices of appeal).

I have reached out to counsel for other the other parties. Plaintiffs consent to a stay, as do the Albany, Oswego, and Greene County Defendants and Syracuse Police Chief Joseph Cecile. The Onondaga County Defendants have stated that they do not intend to oppose a stay.

“The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” Credit Suisse Sec. (USA) LLC v. Laver, No. 18 Civ. 2920, 2019 WL 2325609, at *2 (S.D.N.Y. May 29, 2019) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936)). Here, a stay during proceedings in the Second Circuit will avoid potential complications arising from litigating the same action in two forums at once, while allowing both the parties and the Court the benefit of the Second Circuit’s opinion in conducting any further proceedings. Cf. Credit Suisse, 2019 WL 2325609 at *3 (granting stay where “resolution of [an] appeal may guide this Court in ruling on the key issues in this litigation” (quotation omitted)).

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We respectfully request that the Court order 1) that further proceedings in the District Court, including resolution of the State Defendants' pending letter-motion for partial reconsideration, ECF No. 88, be stayed pending resolution of the appeal of the preliminary injunction; 2) that the parties be directed to submit a joint letter within 14 days after the Second Circuit's mandate regarding the course of further proceedings; and 3) that the time to answer or respond to the complaint be adjourned until 30 days after the Second Circuit's mandate. We thank the Court for its time and consideration.

Respectfully submitted,

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cc: All Counsel of Record (by ECF)